

PART 51. FP-1 FLOOD-PRONE CLASSIFICATION**Sec. 30.961. Purposes and intent.**

It is the purpose of this part to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
 - (e) Regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.
- (§ 19, Ord. No. 88-10, 9-13-88; § 5.781, LDC, through Supp 16).

Sec. 30.962. Reserved.**Sec. 30.963. Flood-prone area zone classification created.**

In addition to, and supplemental to, all Seminole County Zoning Requirements heretofore or hereafter established by designated zoning categories and classifications, there is hereby created a zoning classification to be known as the "Flood-Prone Area Zone Classification" (FP-1) in which all property situated in a flood-prone area, as defined in chapter 2, shall be classified. No structure or land located within said classification shall be located, extended, converted, improved or structurally altered without full compliance with the provision of this part and all other applicable regulations.

(§ 20, Ord. No. 87-1, 2-10-87; § 19, Ord. No. 88-10, 9-13-88; § 5.783, LDC, through Supp 16).

Sec. 30.964. General standards.

In all flood-prone areas the following general provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - (f) New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system;
 - (g) New and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
 - (i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this part shall meet the requirements of “new construction” as contained in this part.
 - (j) Encroachments. The cumulative effect of any proposed development shall not adversely affect the flood-prone area.
- (§ 19, Ord. No. 88-10, 9-13-88; § 5.784, LDC, through Supp 16).

Sec. 30.965. Specific standards.

The following requirements shall apply to all areas classified as flood-prone.

- (a) No structure shall be constructed or placed and no landfilling or grade level changes shall be permitted within said classification without the implementation and utilization of appropriate “flood-protection measures” as defined herein; and/or the implementation and utilization of on-site compensating storage if required pursuant to this part.
- (b) No structure shall be constructed or placed within said classification where a septic tank will be utilized to service said structure unless prior approval as to the use and location of said septic tank shall be obtained through the Seminole County Department of Health and other appropriate state agencies.
- (c) No structure shall be constructed or placed and no land filling or grade level changes shall be permitted within said classification unless the resulting filling or change will not inhibit the flow of flood waters or drainage waters or cause erosion. All filling within said classification is limited to the minimum area necessary for a building site. In the event the necessary filling area for a building site is greater than ten (10) percent of the total area within said classification, on-site compensating storage shall be provided. In riverine situations, notification of alteration or relocation of a watercourse will be in accordance with approved county procedures.

- (d) No structure shall be constructed or placed and no land filling or grade level changes shall be permitted within said classification unless the resulting filling or change will not increase flooding of or drainage of lands above or below the property and the modification to an affected watercourse can be maintained.
- (e) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- (f) Non-residential construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation.
- (g) Non-residential agricultural structures. Non-residential agricultural structures may be flood-proofed in lieu of being elevated provided that:
 - (1) All areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be as provided in 30.970(a)(3); or
 - (2) All electrical, plumbing and utility improvements, including but not limited to, circuit breakers, conductors, conduit or other devices that carry but do not utilize electricity; panel boards; power outlets; receptacles; service conductors; switchboards; and switches, are above the base flood elevation.
- (h) Elevated buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space below the base flood elevation and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
 - (2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

- (3) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (h) Floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, therefore, the following provisions shall apply:
 - (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification and supporting technical data by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge; and,
 - (2) Prohibit the placement of manufactured homes, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards, elevation standards and all other applicable standards are satisfied.

(§§ 18, 19, Ord. No. 81-59, 9-1-81; § 20, Ord. No. 87-1, 2-10-87; § 19, Ord. No. 88-10, 9-13-88; § 5.785, LDC, through Supp 16).

Sec. 30.966. Standards for streams without established base flood elevations and/or floodways.

The following provisions shall apply to flood-prone areas where small streams exist but where no base flood data have been provided or where no floodways have been provided:

- (a) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) New construction or substantial improvements of structures shall be elevated or flood-proofed to elevations established in accordance with this part.
- (§ 19, Ord. No. 88-10, 9-13-88; § 5.786, LDC, through Supp 16).

Sec. 30.967. Additional factors to be considered in evaluating structure proposals in flood-prone areas.

No location of a structure in flood-prone areas, shall be approved by the county engineer and/or the board of county commissioners unless all relevant factors specified in other sections of this chapter and, to the extent applicable, the following general criteria and guidelines have been considered.

- (a) The danger to life and property due to increased erosion, flood heights or velocities caused by encroachment;
 - (b) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - (d) The susceptibility of the proposed facility and its contents to flood damage;
 - (e) The importance of the services provided by the proposed facility to the community;
 - (f) The requirements of the facility for a waterfront location;
 - (g) The availability of alternative locations not subject to flooding or erosion damage for the proposed use and under the ownership of the applicant;
 - (h) The compatibility of the proposed use with existing and anticipated development;
 - (i) The relationship of the proposed use to the comprehensive plan, wetlands overlay zoning distance regulations and flood-plain management program for the area;
 - (j) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (k) The expected heights, velocity, duration, rate of rise, and sediment transport of flood waters expected at the site; and
 - (l) Such other factors as shall be relevant to the purposes of this chapter.
- (§ 19, Ord. No. 88-10, 9-13-88; § 5.787, LDC, through Supp 16).

Sec. 30.968. Standards for subdivision proposals.

The following shall apply to all subdivision proposals required to comply with the requirements of this Code.

- (a) All shall be consistent with the need to minimize flood damage;
 - (b) All shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All shall have adequate drainage provided to reduce exposure to flood hazards; and,
 - (d) All subdivision proposals which are greater than the lesser of fifty (50) lots or five (5) acres shall provide base flood elevation data.
- (§ 5.788, LDC, through Supp 16).

Sec. 30.969. Designation of county engineer.

The county engineer or his designee is hereby appointed to administer and implement the provisions of this part.

(§ 19, Ord. No. 88-10, 9-13-88; § 5.789, LDC, through Supp 16).

Sec. 30.970. Building permit procedures.

Application for a building permit shall be made to the building division prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information shall be provided by the applicant.

(a) *Application stage.*

- (1) Elevation in relation to National Geodetic Vertical Datum and location of the proposed lowest floor (including basement) of all structures;
- (2) Elevation in relation to National Geodetic Vertical Datum to which any non-residential agriculture structure will be flood-proofed;
- (3) Certificate from a registered professional engineer or architect that the flood-proofed non-residential agricultural structure will meet the flood-proofing criteria set out herein;
- (4) Certificate from a registered professional engineer that compensating storage has been provided, if required;
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and,

(b) *Construction stage.* Upon completion of the lowest floor and/or necessary flood-protection measures by whatever construction means, it shall be the duty of the permit holder to submit to the building division a certification of the actual location and elevation of the lowest floor and the actual lowest flood protected elevation (if applicable), as built, in relation to National Geodetic Vertical Datum. The certification of the lowest floor elevation shall be prepared by or under the direct supervision of a registered land surveyor or registered engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a registered engineer or architect and certified by same. Any work done prior to submission of the certifications and prior to verification by the county engineer, or his designee, shall be at the permit holder's risk.

(c) The building division shall retain and preserve a copy of all required certificates after review and verification by the county engineer or his designee.

(§ 20, Ord. No. 81-59, 9-1-81; § 21, Ord. No. 87-1, 2-10-87; § 19, Ord. No. 88-10, 9-13-88; § 5.790, LDC, through Supp 16).

Sec. 30.971. Duties and responsibilities of the county engineer.

The county engineer, or his designee, shall be responsible for determining whether the requirements of this part have been complied with. Duties of the county engineer, or his designee, shall include, but not be limited, to the following:

- (a) Review all development permits to assure that the permit requirements of this part have been satisfied.
 - (b) Advise permit holder that additional federal or State of Florida permits may be required, and if specific federal or state permit requirements are known, require the copies of such permits be provided and maintained on file with the development permit.
 - (c) Notify adjacent communities, the Department of Community Affairs of the State of Florida and the St. Johns River Water Management District prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (e) Review and verify the actual location and elevation of the lowest floor of all structures covered under this part.
 - (f) Review and verify the certification of the actual location and lowest flood-proofed elevation of all structures covered under this part in which flood-protection measures are utilized.
 - (g) Where interpretation is needed as to the exact location of boundaries of flood prone areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the county engineer shall make the necessary interpretation as provided in 30.961(a) hereto.
 - (h) When base flood elevation data or floodway data have not been provided in accordance with Sections 30.964 and 30.965, then the county engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this part.
 - (i) All other duties and responsibilities as may be required by the board of county commissioners or by the county engineer to enforce the provisions of this part.
- (§ 19, Ord. No. 88-10, 9-13-88; § 5.791, LDC, through Supp 16).

Sec. 30.972. Appeals.

Any person aggrieved by the decision of the county engineer, regarding approval of construction, land filling or grade level changes pursuant to this part may file a written appeal with the county engineer within thirty (30) days of said decision to have the plan considered by the board of county commissioners. An appeal to the board of county commissioners may be

heard and decided upon, only when it is alleged that there is an error in any requirement, decision, or determination made by the county engineer in the enforcement or administration of this part.

(§ 5.792, LDC, through Supp 16).

Sec. 30.973. Interpretation.

In the interpretation and application of this part all provisions shall be considered as minimum requirements; liberally construed in favor of Seminole County; and deemed neither to limit nor repeal any other powers granted under state statutes.

(§ 19, Ord. No. 88-10, g-13-88; § 5.793, LDC, through Supp 16).

Sec. 30.974. Construction.

This part shall be deemed to be cumulative, supplemental, and, in addition to other zoning resolutions and classification. Where the requirements of this zoning classification and part shall conflict with the requirements of other zoning classifications and ordinances in the Seminole County Zoning Code, this part shall take precedence. Wherever possible, this part shall be read in conjunction with existing zoning classifications and resolutions and shall be regarded as imposing additional restrictions.

(§ 19, Ord. No. 88-10, 9-13-88; § 5.794, LDC, through Supp 16).

Sec. 30.975. Warning and disclaimer of liability.

The degree of flood protection required by "FP-1 Flood-Prone Classification" is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These provisions do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of Seminole County or by any officer or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

(§ 21, Ord. No. 81-59, 9-1-81; § 19, Ord. No. 88-10, 9-13-88; § 5.795, LDC, through Supp 16).

Secs. 30.976-30.980. Reserved.

Note: In all A Zones, the reference level is the top of the lowest floor; in V Zones the reference level is the bottom of the lowest horizontal structural member (see diagram on page 2). Agents should refer to the Flood Insurance Manual for instruction on lowest floor definition.

DIAGRAM NUMBER 5

ALL BUILDINGS, INCLUDING MANUFACTURED (MOBILE) HOMES ELEVATED ON PIERS, POSTS, COLUMNS, SHEAR WALLS, WITH OR WITHOUT PARKING AREA BELOW ELEVATED FLOOR.

Distinguishing Feature - For all zones, the area below the elevated floor is open, with no obstruction to the flow of flood waters (open wood lattice work or readily removable insect screening is permissible).

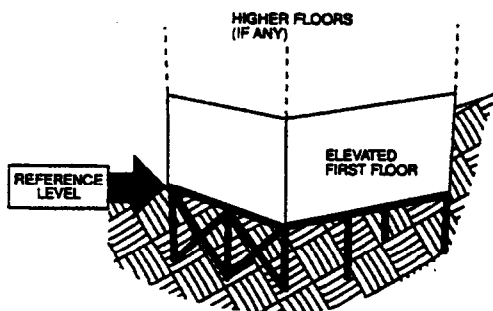


DIAGRAM NUMBER 6

ALL BUILDINGS, INCLUDING MANUFACTURED (MOBILE) HOMES ELEVATED ON PIERS, POSTS, COLUMNS, SHEAR WALLS, WITH OR WITHOUT PARKING AREA BELOW ELEVATED FLOOR.

Distinguishing Feature - For V Zones only, the area below the elevated floor is enclosed, either partially or fully, by solid breakaway walls.** When enclosed area is greater than 300 square feet or contains equipment servicing the building, use Diagram Number 7; this will result in a higher insurance rate. The enclosed area can be used for parking, building access or limited storage.

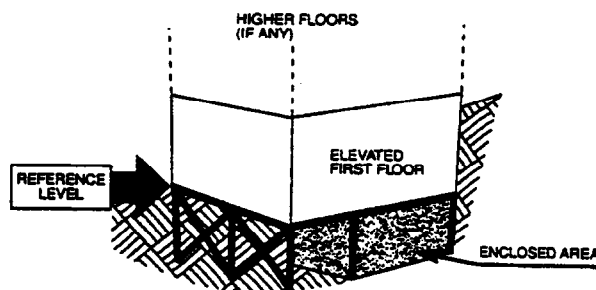


DIAGRAM NUMBER 7

ALL BUILDINGS, INCLUDING MANUFACTURED (MOBILE) HOMES ELEVATED ON PIERS, POSTS, COLUMNS, SHEAR WALLS, SOLID NON-BREAKAWAY WALLS, WITH OR WITHOUT PARKING AREA BELOW ELEVATED FLOOR.

Distinguishing Feature - For all zones, the area below the elevated floor is enclosed, either partially or fully, by solid non-breakaway walls, or contains equipment servicing the building. For V Zones only, the area is enclosed, either partially or fully, by solid breakaway walls*** having an enclosed area greater than 300 square feet. For A Zones only, with an area enclosed by solid walls having proper openings,*** and used only for parking, building access, or limited storage, use Diagram Number 8 to determine the reference level.

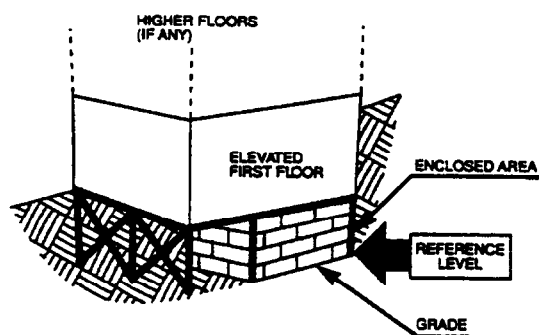
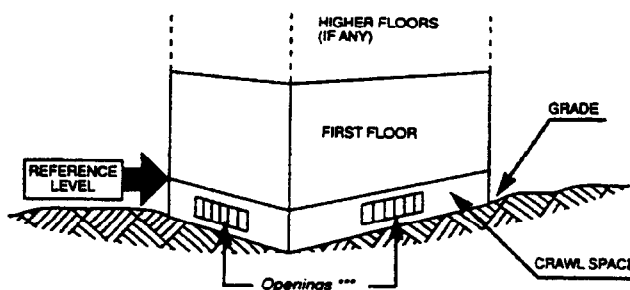


DIAGRAM NUMBER 8

ALL BUILDINGS CONSTRUCTED ABOVE AN UNFINISHED SPACE, INCLUDING CRAWL SPACE.

Distinguishing Feature - For A Zones only, the area below the first floor is enclosed by solid or partial perimeter walls, is unfinished, and contains no equipment servicing the structure. The area can be used for parking, building access, or limited storage.



* Under the National Flood Insurance Program's risk classification and insurance coverage, a floor that is below ground level (grade) on all sides is considered a basement even though the floor is used for living purposes, or as an office, garage, workshop, etc.

** Solid breakaway walls are walls that are not an integral part of the structural support of a building and are intended through their design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation. An area so enclosed is not secure against forceable entry.

*** If the area below the lowest floor is fully enclosed, then a minimum of two openings are required with a total net area of at least one square inch for every square foot of area enclosed with the bottom of the openings no more than one foot above grade. Alternatively, certification may be provided by a registered professional engineer or architect that the design will allow equalization of hydrostatic flood forces on exterior walls. If neither of these criteria are met, then the reference level is the lowest grade adjacent to the structure.